

EXHIBIT C

ADDENDUM

**SUPPLEMENTAL PROTOCOLS GOVERNING DEPOSITIONS OF INDIAN
NATIONALS RESIDING IN INDIA**

A. Scope

1. This Addendum shall govern certain aspects of the depositions in this litigation of Indian nationals residing in India.

2. Defendants' position is that any Indian National (other than an individual testifying pursuant to Rule 30(b)(6)) who agrees to be deposed in this litigation is being deposed on a voluntary basis as a result of the restrictions imposed by the Hague Evidence Convention, as well as this Court's limited subpoena power over Indian nationals residing in India. Plaintiffs disagree.

3. This Addendum supplements and incorporates the provisions of the Deposition Protocol (CMO No. 20), including the COVID-19 Protocols set forth therein, to which it is appended. In the event of a conflict between the Deposition Protocol and this Addendum, the Addendum shall control.

4. The Federal Rules of Civil Procedure, the Federal Rules of Evidence, and the Local Rules of the District of New Jersey shall apply to all depositions of Indian nationals residing in India.

5. Nothing in this Addendum shall be construed as a waiver of any witness' or party's defense of lack of personal jurisdiction.

B. Restrictions Affecting Deposition Location

6. Where an Indian national residing in India is designated to testify in a corporate representative capacity, Plaintiffs may depose the Indian national pursuant to Rule 30(b)(6) of the Federal Rules of Civil Procedure.

7. Counsel are expected to cooperate and coordinate the scheduling of depositions on a good faith basis, taking into account that Indian nationals residing in India may be subject to travel restrictions, both internal and external and including entry bans, as well as mandatory quarantine measures, due to COVID-19.¹

C. Protocols Applicable to Depositions Hereunder

8. **Location:** Unless otherwise agreed, an Indian National residing in India who is appearing for deposition will be deposed in the location in which they work and/or reside. Depositions may be conducted remotely pursuant to the Deposition Protocol (CMO No. 20).

9. **Length:** : Unless otherwise agreed, a deposition taken pursuant to this Addendum will last for seven (7) hours in accordance with the time zone in which the witness is located for the deposition, as provided for under the Federal Rules of Civil Procedure. The length of a deposition subject to this Addendum that utilizes translation services may be increased by 75% in accordance with the Deposition Protocol (see CMO No. 20). The length of a deposition subject to this Addendum may be increased due to delays caused by technical problems, for example resulting from videoconference connectivity interruptions, by the amount of time of such delays, which shall be recorded by the stenographer and videographer. In the event translation services and/or technical problems cause the deposition to extend beyond the time block agreed for a deposition, or to be delayed for a significant length of time, the witness and examining counsel may elect to extend the deposition to a consecutive day.

¹ See, e.g., U.S. Embassy & Consulates in India, Covid-19 Information, U.S. Dep't of State (last updated Aug. 11, 2020), available at <https://in.usembassy.gov/covid-19-information/>; *Interactive Map of Travel Restrictions*, Kayak (last accessed Oct. 22, 2020), available at <https://www.kayak.com/travel-restrictions>; *U.S. Restrictions*, Centers for Disease Control and Prevention (last accessed Oct. 22, 2020), available at <https://www.cdc.gov/coronavirus/2019-ncov/travelers/from-other-countries.html>.

10. **Notice:** After counsel, through consultation in accordance with this Addendum, have made good faith efforts to agree upon a date and mutually convenient location for the deposition(s), the Noticing Party shall serve a Notice or an amended Notice reflecting the agreed upon date(s), location(s), and start time(s) based on India Standard Time, or the time zone of the other agreed location. The Parties acknowledge that sufficient notice is necessary so the witness and all other attendees, such as counsel, a translator and a stenographer may make the necessary travel arrangements and obtain the necessary travel documentation, as applicable.

11. **Language:** Even where the witness speaks English, all witnesses shall have the right to conduct the deposition in his/her native language and to have an interpreter present in accordance with Deposition Protocol § K.1 and K.2. Notice shall be provided by counsel for the witness in advance of the deposition to the extent an interpreter will be used.

12. **Exhibits:** If exhibits containing foreign languages (i.e., non-English language content) will be translated for depositions subject to this Addendum, such exhibits, the deposing party may if it chooses to do so, send to counsel for the deponent along with certified human translations of such exhibits containing foreign languages, in advance of the deposition, at least 14 days prior to the deposition. These certified human translations must be provided in two electronic formats: (1) PDF format and (2) an editable text format (e.g., Microsoft Word or Excel). Counsel representing a deponent may object to any translations and, at the deponent's expense, provide proposed corrections to translations or may provide their own alternative certified human translations no less than 7 days in advance of the deposition. Counsel for the parties are expected work cooperatively to agree on the translated versions of the translated exhibits no less than 2 days in advance of the deposition. Counsel for the deponent may raise with the Court any unresolved objections at a later date, as necessary.